

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**THOMAS E. STURDIVANT,**

**Petitioner,**

**vs.**

**WARDEN CHERYL PRICE,**

**Respondent.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**: CIVIL ACTION 08-0633-CG-M**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for failure to prosecute and to obey the Court's Order.

**DONE and ORDERED** this 31<sup>st</sup> day of December, 2008.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE